

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

GREAT LAKES REINSURANCE (UK) PLC,

*Plaintiff,*

v.

TICO TIME MARINE LLC,

*Defendant.*

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CIVIL ACTION H-10-2060  
RULE 9(H) ADMIRALTY

**ORDER**

Pending before the court is defendant Tico Time Marine LLC's ("TTM") motion to reconsider or alternative motion for leave to amend pleadings. Dkt. 22. TTM argues that the order the court issued on March 16, 2011 improperly failed to construe an ambiguity in the contract at issue in this case against the insurer. *Id.* After considering the motion and applicable law, the court has determined that a clarification of its original order is necessary. TTM's motion to reconsider is therefore GRANTED, IN PART. The March 16, 2011 order is hereby AMENDED. The first four sentences of the first full paragraph on page 5 shall be replaced by the following three sentences:

Under the contract, if no well-established precedent exists under admiralty law, the "*insuring agreement* is subject to the substantive laws of the State of New York." Dkt. 7, Exh. A (emphasis added). This portion of the clause presents a contract interpretation question because, if this phrase is read in isolation, it is clear that the agreement is subject to the substantive laws of the State of New York if there is no entrenched admiralty precedent, but it is unclear whether *disputes arising under the contract* are subject to the substantive laws of New York if there is no entrenched admiralty precedent. The determination of which law should be consulted to interpret the provision is far from clear, but this is not cause for concern because

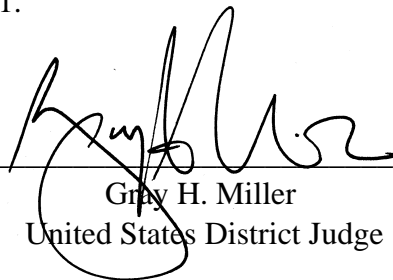
there is no conflict in the rules of contract interpretation of the three possible jurisdictions.

TTM's motion is DENIED to the extent it requests the court reconsider other aspects of the order.

TTM has moved, in the alternative, to amend its complaint so that it may add claims under New York law. Dkt. 22. The deadline for amended pleadings in this case is not until July 15, 2011.

*See* Dkt. 13. Therefore, TTM's motion to amend is GRANTED.

Signed at Houston, Texas on April 28, 2011.



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Gray H. Miller  
United States District Judge